

**MINUTES**  
**GREEN BAY PLAN COMMISSION**  
**Monday, January 11, 2016**  
**City Hall, Room 604**  
**6:00 p.m.**

**MEMBERS PRESENT:** Maribeth Conard–Chair, Tim Gilbert-Vice Chair, Sid Bremer, Ald. Jerry Wiezbiskie, Tim Duckett and Heather Mueller

**MEMBERS EXCUSED:**

**OTHERS PRESENT:** Kevin Vonck, Paul Neumeyer, Mark Lyons, Rachel Georgia, Roger Georgia, Corey Capwell, Kim Capwell, John Michaud, Joel Ehrfurth, Don Bailcik, Mike Bracket, Alex Falish, Rick Fisher, Justin Kaminski and Steve Krause

**APPROVAL OF MINUTES:**

Approval of the minutes from the December 7, 2015, Plan Commission meeting

A motion was made by Ald. J. Wiezbiskie and seconded by T. Gilbert to approve the minutes from the December 7, 2015, Plan Commission meeting with the following underlined revisions on Pages 5-7.

S. Bremer asked that the following changes be made to the Plan Commission minutes:

**Page 5**, Fifth Line from the bottom, should read: or neighborhood; and to continue to notice;

**Page 6**, Fourth paragraph, should read: One of the issues raised by Airbnb was whether private room rentals have to abide by requirements placed on hotels/motels, tourist.

**Page 6**, Last paragraph, should read: because she would like to amend the opening paragraph of the Development Standards section to note that commercial uses “can be” incompatible with a neighborhood’s character and to provide more specific density standard to minimize the potential for incompatibility.

**Page 7**, second paragraph, should read: TRP request outside Shadow Lane area were the owner

**Page 7**, fifth paragraph, should read: The standard might be that the addition.

Motion carried.

**COMMUNICATIONS:**

1. Request by Ald. M. Steuer that City Planning, DPW, Parks & Police examine the County bicycle and pedestrian plan to look at ways to implement more lanes, with safety in mind, throughout the City (also referred to Improvement & Services Committee).

A motion was made by T. Gilbert and seconded by Ald. J. Wiezbiskie to receive and refer to staff a request by Ald. M. Steuer that City Planning, DPW, Parks & Police examine the County bicycle and pedestrian plan to look at ways to implement more lanes, with safety in mind, throughout the City

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

2. (ZP 15-28) Discussion and action on the request to rezone a portion of 2607 Nicolet Drive and Tax Parcel 22-176-1 from Low Density Residential (R1) to General Commercial (C1), submitted by Corey & Kim Capwell. (Ald. J. Wiezbiskie, District 1)

The Planning Staff is recommending expanding the request to include the rezoning of a portion of the following parcels as follows:

- 2603 Nicolet Drive from General Commercial (C1) to Low Density Residential (R1)
- 2611 Nicolet Drive from General Commercial (C1) to Low Density Residential (R1)
- 2615 Nicolet Drive from General Commercial (C1) to Low Density Residential (R1)

P. Neumeyer stated there are two parts to this zoning request and there are five properties involved with this request. The original request involved the old Carlton Inn located at 2607 Nicolet Drive. There is also a small 10 ft. wide piece of property that runs through that is owned by the UW-Board of Regents, which was part of the original request. The current owners plan to redevelop the property and build a small hotel. The other three properties involved are single family homes that have a mix of residential and commercial zoning. The City's Comp Plan recommends commercial for this particular area. P. Neumeyer stated the property and zoning were inherited from the Town of Preble prior to 1964. The original two lots, 2607 and tax parcel 22-176-1, have a diagonal zoning that runs through the property with general commercial or residential on either side of the property. The goal is to put the zoning lines back onto the lot lines, changing the commercial zoning at 2603, 2611, and 2615 to single family residential and making all of 2607 and parcel 22-176-1 all general commercial. Ald. J. Wiezbiskie and affected property owners were notified of the request. One inquiry and one objection were received regarding the request.

Ald. J. Wiezbiskie asked P. Neumeyer if the zoning mix-up was Town of Scott rather than Town of Preble. P. Neumeyer stated it is suspected to be the Town of Preble as this section was part of the Town of Preble, in which the City inherited the zoning. P. Neumeyer went over the boundary/property lines of the new zoning explaining to Commissioners and patrons what it would look like if the rezoning is approved.

M. Conard suspended the rules to allow for public comments.

Rachel & Roger Georgia – 2611 Nicolet Drive: The Georgia's stated they wish to hear the pros and cons before making any comments.

Corey & Kim Capwell – 2607 Nicolet Drive: The Capwell's stated they too would hear about the pros and cons before making any comments.

John Michaud – 2603 Nicolet Drive: J. Michaud stated he has no issues with rezoning the property. He stated that his issue with a bed & breakfast would be the lighting, garbage placement, green space, and a buffer zone.

M. Conard asked P. Neumeyer where J. Michaud can get the information regarding his concerns. P. Neumeyer stated he can contact Planning staff as this item will not be coming back to the Plan Commission.

Joel Ehrfurth, Mach IV Engineering, stated he is working with the Capwell's and P. Neumeyer because the current zoning is causing issues with the setbacks and they cannot move forward with the site plans until this is resolved. He went on to state that once the zoning is corrected and setbacks established they will be able to start on site plans with the possibility of variances being needed. In which case, they will get the neighborhood and neighborhood associations involved. Their goal is to bring an asset to the City and have it fit into the neighborhood.

S. Bremer asked J. Ehrfurth for information regarding what type of 10-12 unit "hotel" they have in mind. Since it is across from UW-Green Bay, she asked if it would be similar to the "guest house" that St. Norbert College has. J. Ehrfurth stated it will be similar, however, classified more as hotel for building code and it will be more of a bed & breakfast and that the petitioners are proposing to live on site. A conversation continued regarding setbacks, berming, as the hotel is in a flood zone, and lighting.

Ald. J. Wiezbiskie stated that the rezoning will help to maintain the building at 2-stories high and they can position the building so that the lower level is not in the flood plain. Without the zoning, the building may need to be taller due to it being in a flood zone. He also feels this will be a great addition to the neighborhood.

M. Conard asked the Georgia's if they would like to make any comments. The Georgia's stated they have lived in their home for 60 years. Their main concern is that they were told it was a 9-unit hotel and now they are telling them it will be more. They questioned why the zoning issue just "popped-up" and wanted to know why the zoning wasn't correct earlier as past establishments and home builders have had issues with the zoning.

P. Neumeyer stated the zoning has been in place for 50+ years. T. Gilbert tried to explain that the zoning regulations are different in the City than for the Town of Preble and that the City zoning requirements have also changed over the years. He also stated that at the time of inheriting the parcels, there were no issues or reasons to rezone the properties. However, with the new proposed hotel, the rezoning needs to be done to make the hotel compatible.

A discussion continued between the Georgia's, Commissioners, and P. Neumeyer regarding the type of hotel that will be going up. P. Neumeyer stated that at this time there are no specifics regarding site plans available to share. Nothing can be done until the rezoning is complete. He also stated that with the commercial zoning, the number of units can range, however, there are certain limitations to a property in a flood plain regarding setbacks and height.

M. Conard then asked Corey and Kim Capwell to come up and speak. C. Capwell stated that at this point they are unsure what can be built until the rezoning is complete. He did share that their plan is to have a basement level, walk-out level, which is where they will live, a main level, two guest suites that will face the bay, and an upstairs with 8 additional suites for a total of 10 suites. At this point they are trying to get a "4-Diamond" rating from

Triple A, which would mean they would be the only Bed & Breakfast north of Madison/Milwaukee area with this rating. He feels this would be a great draw for the City. If the property cannot be rezoned they cannot build on the property.

Ald. J. Wiezbiskie asked if they will be conducting Neighborhood meetings. C. Capwell stated yes, and that they will be involving both neighborhood associations. However, as stated earlier, nothing can be done until the rezoning is approved. Ald. J. Wiezbiskie asked how many units they are planning to build. C. Capwell stated at this time 10 and they won't know for sure until site plans are drawn. The number may be less depending on how everything fits on the property.

M. Conard returned the meeting to regular order of business.

S. Bremer asked P. Neumeyer what the status is regarding the objection from the homeowner who is part of the rezoning. P. Neumeyer stated that it was a verbal objection and the homeowners are here and did get to speak. He cannot confirm whether or not the objection is valid without asking the homeowners directly. S. Bremer confirmed that the homeowners who objected lived at 2611 Nicolet Drive. P. Neumeyer stated that was correct.

The Georgia's stated that they are not going to state yes or no at this time because one neighbor agrees and one neighbor disagrees. She wants to wait to make a decision until she can talk with the Neighborhood Association. There was some discussion among patrons trying to explain to the Georgia's that their property will be rezoned to all residential and not mixed.

S. Bremer explained to the Georgia's that the Plan Commission needs to make a decision tonight about the proposal and it involves making a change in the current zoning for their property. S. Bremer stated she does not see any reason not to make the change as their property is currently being used as residential. The current zoning would make it difficult for them or anyone else to sell the property if it had a mixed zoning.

S. Bremer then asked P. Neumeyer if the Plan Commission has the authority to go ahead and approve the request if they do not have the support of the residence of 2611 Nicolet Drive. P. Neumeyer stated they still can make a recommendation to City Council.

A motion was made by T. Gilbert and seconded by S. Bremer to approve the request to rezone a portion of 2607 Nicolet Drive and Tax Parcel 22-176-1 from Low Density Residential (R1) to General Commercial (C1), to also include the rezoning of a portion of the following parcels: 2603 Nicolet Drive from General Commercial (C1) to Low Density Residential (R1); 2611 Nicolet Drive from General Commercial (C1) to Low Density Residential (R1); and 2615 Nicolet Drive from General Commercial (C1) to Low Density Residential (R1). Motion carried.

3. (ZP 15-30) Discussion and action on the request to authorize a Conditional Use Permit (CUP) to establish a tavern use located at 2790 University Avenue, submitted by Alex Falish, Noble Roots Brewery. (Ald. J. Wiezbiskie, District 1)

P. Neumeyer stated this is a request for a Conditional Use Permit (CUP) for a tavern use at 2790 University Avenue. This is a small parcel on the East side of town, across from the

old Tillman Landscape for reference. There is a mix of single and two-family uses with higher density uses to the north. The property has been vacant for a number of years. A brief history was given of past uses of the property. The City's Comp Plan recommends low density residential. This request is in conflict with the intended use, being a commercial use. However, the current zoning is in place and staff feels that through the use of the CUP and conditions added that it could be compatible with the City's Comp Plan. The current zoning is Highway/Business (C2). There is surrounding Low Density Residential and General Commercial across the street. A copy of the site plan was displayed and explained to Commissioners. P. Neumeyer went on to explain that this is actually not a "tavern" but a brewery with an attached tap room. Since there is no classification for tap rooms, they went with the premise of a tavern use. By doing this a CUP can be obtained. In the commercial district there are some limitations about processing and manufacturing, and this is compliant. The tavern use is being used for zoning purposes only. Ald. J. Wiezbiskie, Ald. J. Moore, Ald. D. Nennig, and affected property owners were notified of the request. A few inquiries were received, but no objections were received to date. P. Neumeyer then went through and talked briefly about the conditions staff wanted to place on the CUP.

S. Bremer asked if the current zoning includes both the former Tillman's property and this as commercial, to which P. Neumeyer stated yes. S. Bremer then asked what the building was to the north of the Tillman property. P. Neumeyer stated that was a multi-family complex.

M. Conard suspended the rules for public comments.

Don Bailcik – 2791 St Anthony Drive: D. Bailcik stated his house is just to the east of the subject property and shares a lot line. He stated he has seen many business come and go and likes the idea of a brewery being there. He stated that when he saw the word "tavern" he was concerned. Ald. J. Wiezbiskie informed him that it is not a tavern, that is just the classification that is used and it will be run like a brewery. His other concern would be noise.

Alex Falish – 301 Laverne Drive #8: A. Falish stated he is one of three partners in this project. He stated they have gone door to door in the neighborhood and have been in contact with the neighborhood association. He stated that they are licensed to serve the beer they brew and beer from other breweries, but no wine or liquor can be served. They cannot get a Class A Liquor License and will never be able to be a tavern, which is something they wanted to avoid. But for the zoning, they had to have it zoned as though it is a tavern.

T. Duckett asked A. Falish how much can be brewed with the establishment being on a smaller scale. A. Falish stated their equipment is roughly one quarter of the size of the new Titledown equipment or half the size of Badger State. They will have enough to serve in the tap room and limited distribution.

S. Bremer asked A. Falish where he and his two partners, his father and brother-in-law, lived. A. Falish stated he lived on Laverne Drive, his father lives on Alpine Drive, and his brother-in-law lives on Sage, all on the east side and within 5 minutes from the brewery. S. Bremer then asked if any lived in the Schmitt Park Neighborhood. A. Falish stated he lives in the next neighborhood over. He stated that their plan is to work with the Schmitt Park NA and keep them informed.

M. Conard returned to the meeting to regular order of business.

A motion was made by H. Mueller and seconded by T. Gilbert to authorize a Conditional Use Permit (CUP) to establish a tavern use located at 2790 University Avenue, subject to the following conditions:

- A. The approval shall only be granted to Noble Roots Brewery, any subsequent change in ownership or transfer of ownership shall require review and approval of the CUP.
- B. Staff and the applicant agree to landscape along the St. Anthony Drive frontage to create a buffer area to the residential properties to the east.
- C. The tavern/tap room may be open seven days a week with hours of operation limited to 11:00 am to 11:00 pm.
- D. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit (CUP), including standard site plan review and approval.
- E. There shall be no expansion of the use without Plan Commission and Common Council approval.

Motion carried.

- 4. (ZP 15-31) Discussion and action on the request for a Conditional Use Permit (CUP) for a detached accessory building with a metal exterior greater than 120 sq. ft. in a General Commercial (C1) District located at 1660 W. Mason Street. (Ald. B. Danzinger, District 11)

M. Lyons stated this is the Goodwill site on W. Mason Street. On the southeast corner of the building there is a tenant called InCompetition Sports and this request is related to that portion of the business. The City's Comp Plan does call for commercial, and is conforming and is just a conditional use within the existing zoning. The current zoning is commercial with residential uses to the west and south and mixed uses to the north. A site plan was displayed for Commissioners. The structure is currently sitting within an old drive that was from a previous tenant. The structure is approximately 200 sq. ft. and will be used for long term storage. The structure is an existing metal shipping container and has been painted white to match the building. Staff is recommending approval subject to conditions placed on the CUP. M. Lyons briefly went through the conditions. Ald. B. Danzinger and affected property owners were notified of the request with no objections.

M. Conard suspended the rules for public comments.

Rick Fisher – 918 Cedar Street: R. Fisher from Fisher & Associates Architects has been working with Goodwill for approximately 15 years. He gave a brief history of his work with Goodwill and tenants that have been located in the complex. He stated that InCompetition moved to its current location from University Avenue. They moved their contents with the shipping container and want to keep it present for long term storage as their new store was not set up for storage as it previously was a café. He feels it is well screened without having to add any additional landscaping as requested by Planning staff. The container is currently 4 ft. away from the building and can be moved up to 7 ft. away from the building. Goodwill does not have any objections, however, would like to not have to add another arborvitae if possible.

M. Conard returned the meeting to regular order of business.

S. Bremer asked M. Lyons where the arborvitae would be placed. M. Lyons stated it would be within the same island as the two trees and small shrubs.

T. Gilbert asked if they wanted an upright arborvitae. M. Lyons stated it would be a narrow spread upright. T. Gilbert also asked if that would look out of place. M. Lyons stated they talked about it and thought during the winter it would help provide additional screening, but do feel that it is well landscaped now. T. Gilbert stated he does not see any advantage to adding another arborvitae to the property.

A conversation continued regarding the need for an additional arborvitae. Commissioners have agreed that another one is not needed.

S. Bremer asked M. Lyons if condition B is a minimum of 3 ft., which he replied yes.

A motion was made by T. Duckett and seconded by H. Mueller to approve the Conditional Use Permit (CUP) for a detached accessory building with a metal exterior greater than 120 sq. ft. in a General Commercial (C1) District located at 1660 W. Mason Street, subject to the following conditions:

- A. Standard site plan review and approval.
- B. Maintaining the structures existing location, including a three (3) ft. separation from the primary structure.
- C. Maintaining a color that matches the primary structure.

Motion carried.

5. Discussion and action on the request for final site plan approval for the proposed U-Haul<sup>®</sup> Moving & Storage Store at 2201 Main Street, submitted by the Planning Staff. (Ald. A. Nicholson, District 3)

P. Neumeyer stated this is a request for final site plan approval for U-Haul<sup>®</sup> at 2201 Main Street. This item has come before the Plan Commission on several different occasions for conditional use approval. One of the conditions of the CUP was for the final site plan to come before the Plan Commission. He referred Commissioners to their meeting packets for a copy of the site plan. He wanted to point out item "B" of the conditions regarding the Outlot. The Outlot is shown on the final site plan and they did receive paperwork regarding the listing for property for future sale. The other item he pointed out was item "F" regarding landscaping. He stated they made a good attempt to provide additional landscaping where they could. He briefly went through the additions made to the landscaping. Staff feels that all the conditions of approval were met and are recommending approval of the request. The applicants were present to answer any questions.

S. Bremer stated she wanted to know how a rectangle that hugs the perimeter and is part of the exterior boarder of the property would be considered as part of the interior landscape, as part of the requirement is to be 5 percent of the paved area for interior landscaping. P. Neumeyer stated based on the existing configuration of the lots, that particular area is a dead space and this is an opportunity to increase the green space. It is not part of the parking lot and so they did include that as part of the interior. We were trying to keep the center of the parking lot as open as possible due to the traffic of the trucks coming in and out.

M. Conard suspended the rules for public comments. No one wished to speak regarding this item. M. Conard then returned the meeting back to regular order of business.

S. Bremer asked P. Neumeyer what type of finish will be on the outside of the building, and if it was going to be a graphic design or if it is going to be a uniform color.

P. Neumeyer then asked the petitioners for information regarding this concern. They stated that the building was painted and that the design will remain the same as it was first presented in the drawing to the Plan Commission.

A motion was made by Ald. J. Wiezbiskie and seconded by T. Duckett to approve the final site plan for the proposed U-Haul<sup>®</sup> Moving & Storage Store at 2201 Main Street. Motion carried.

#### **INFORMATIONAL:**

6. (TA 15-06) Request by the Plan Commission to review standards related to transient residential uses.

P. Neumeyer stated this is regarding their on-going discussion regarding TRPs. At the last meeting, Commissioners asked staff to do some additional research regarding specific questions brought up. At this point staff is not prepared to discuss this matter due to language changes at the State level, which is included within the meeting packet. At this point staff is not sure where the Bill sits and will need to wait to further discuss this issue as the changes will affect the current TRP policy. Staff will monitor the situation and report back to Commissioners as information becomes available.

#### **OTHER:**

Director's Update on Council Actions

K. Vonck reported the following information:

- The following actions were approved at the last City Council meeting without discussion:
  - Amending the I43 PUD, changing the zoning.
  - CUP for an Assisted Living Facility at 421 Erie Road.
  - Rezoning from General Commercial to Highway Commercial at 1905 & 1911 Main Street.
  - Discontinuing of easements at 1940 Main Street.
  - Amending language to Chapter 13-519(g) for recreational vehicles.
  - Modify the notification process for property owners related to zoning petition requests and comprehensive plan amendments.

#### **SUBMITTED PETITIONS:**

A motion was made by Ald. J. Wiezbiskie and seconded by S. Bremer to adjourn. Motion carried.

Meeting adjourned at 7:20 p.m.